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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Argentina, Australia, Belgium, Bulgaria, Canada, Chile, Costa Rica, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Netherlands, Norway, Panama, Poland, Portugal, Romania, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation in Myanmar

The General Assembly,

Recalling its resolution 46/132 of 17 December 1991,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights 2/ and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that "the will of the people shall be the basis of the authority of government",

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

Recalling Commission on Human Rights resolution 1992/58 of 3 March 1992, 3/ in which the Commission, inter alia, decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar, and to report to the General Assembly at its forty-seventh session and to the Commission at its forty-ninth session,

Noting the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 1949 4/ on the protection of victims of war, the release of a number of political prisoners, the lifting of the curfew, the revocation of certain martial laws and the reopening of the universities, in response to the concerns expressed by the international community, including the General Assembly and the Commission on Human Rights,

Gravely concerned that the Government of Myanmar has still not implemented its commitments to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Gravely concerned also by the continued seriousness of the situation of human rights in Myanmar, including reports of torture and arbitrary executions, continued detentions of a large number of persons for political reasons, the existence of important restrictions on the exercise of fundamental freedoms and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

Noting that the human rights situation in Myanmar has consequently resulted in massive flows of refugees to the neighbouring countries,

Deeply concerned by the continuing problem of large numbers of refugees from Myanmar in neighbouring countries, including the almost 265,000 Myanmar Rohingya refugees in Bangladesh,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights for his preliminary report 4/ and the recommendations contained therein;

2. Calls upon the Government of Myanmar to extend its full and unreserved cooperation to the Special Rapporteur and to ensure that he has free access to any person in Myanmar whom he deems it appropriate to meet for the conduct of his mandate;

3/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

4/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

3. Expresses its grave concern about the continued seriousness of the human rights situation in Myanmar;

4. Urges the Government of Myanmar to respect the outcome of the 1990 democratic elections;

5. Also urges the Government of Myanmar to take every appropriate measure to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights and to accelerate the process of transition to democracy, in particular through the transfer of power to the democratically elected representatives;

6. Further urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms and the protection of the rights of persons belonging to ethnic and religious minorities;

7. Notes the release of a number of political leaders from detention;

8. Deeply regrets, however, that many political leaders are still deprived of their freedom and their fundamental rights;

9. Calls upon the Government of Myanmar to release unconditionally the Nobel Peace Laureate Aung San Suu Kyi, who is now in her fourth year of detention without trial, and other political leaders and remaining political prisoners;

10. Also calls upon the Government of Myanmar to respect fully the obligations of the Geneva Conventions of 1949, in particular the obligations in common article III, and to make use of such services as may be offered by impartial humanitarian bodies;

11. Requests the Government of Myanmar to invite the presence in Myanmar of the International Committee of the Red Cross in order for it to carry out its humanitarian tasks;

12. Further calls upon the Government of Myanmar to create the necessary conditions to ensure an end to the flows of refugees to neighbouring countries and to facilitate their speedy repatriation and to cooperate fully with the relevant United Nations organs on this matter;

13. Decides to continue its consideration of this question at its forty-eighth session.